

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

DOUGLAS NEWELL, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

CITRIX SYSTEMS, INC.,
FIDELITY NATIONAL FINANCIAL, INC., and
LOANCARE, LLC,

Defendants.

Case No.: 0:24-cv-60048-DMM

**DEFENDANTS FIDELITY NATIONAL FINANCIAL, INC. AND LOANCARE, LLC’S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO THE
COMPLAINT**

Defendants Fidelity National Financial, Inc. (“FNF”) and LoanCare, LLC (“LoanCare”) respectfully move this Court for a 38-day extension of the time for them to answer or otherwise respond to Plaintiff Douglas Newell’s (“Plaintiff”) Complaint (the “Complaint”), until March 11, 2024. Doing so will align FNF and LoanCare’s responsive pleading date with that of its (unrelated) co-defendant Citrix Systems, Inc. (“Citrix”) in both this case and in a case recently transferred intra-district to this court as related. *See Dailey v. Citrix Systems, Inc. et al*, No. 24-cv-60038-DMM (S.D. Fla.). This alignment of deadlines is consistent with an order that Judge Altman had entered prior to transferring this case to this Court. Plaintiff does not oppose a 38-day extension of time. In support of this motion, FNF and LoanCare state as follows:

1. On January 8, 2024, Plaintiff filed this case against FNF, LoanCare, and Citrix.

2. The Complaint was served on FNF and LoanCare on January 12, 2024, whereas Citrix was asked to and did waive service of the Complaint on January 10, 2024. Thus, Citrix's response is due on March 11, 2024, whereas FNF and LoanCare's responses to the Complaint currently would be due on February 2, 2024, assuming Judge Altman's pre-assignment order regarding responsive pleadings is no longer effective.¹

3. Specifically, before this case was reassigned on January 16, 2024, Judge Altman had issued an order regarding multiple defendants (ECF No. 4) that automatically extended FNF and LoanCare's responsive pleadings deadlines to Citrix's deadline. That order provides that "[i]f the Defendants face response periods of different lengths—say because one Defendant has been personally served whereas another has waived service—all Defendants will be subject to the *longest* of those response periods." Because it is not clear whether that automatic extension remains applicable post-transfer, FNF and LoanCare file this Motion out of an abundance of caution.

4. Accordingly, undersigned counsel respectfully requests that this Court align FNF and LoanCare's timeline for responding to the Complaint with Citrix's timeline for responding to the complaints in both this case and the related *Dailey* case pending before this Court.

5. For good cause, Federal Rule of Civil Procedure 6(b)(1)(A) permits a court to extend the time to perform any act. Moreover, this Motion is not being filed for the purpose of delay and no party will be prejudiced by the relief requested herein. Plaintiff does not oppose the relief requested herein.

6. Accordingly, FNF and LoanCare, without waiver of any of their defenses, request a 38-day extension of the time for them to respond to the Complaint.

¹ FNF and LoanCare anticipate filing a Motion to Transfer Venue to the United States District Court for the Middle District of Florida prior to their deadline for answering or otherwise responding to the Complaint.

CONCLUSION

WHEREFORE, FNF and LoanCare respectfully request that the Court grant them an extension of time, through and including March 11, 2024, to move, answer, or otherwise respond to Plaintiff's Complaint.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(3), the undersigned counsel certifies that counsel for Defendants Fidelity National Financial, Inc. and LoanCare, LLC conferred with counsel for Plaintiff via email on January 23, 2024, and counsel for Plaintiff does not object to the relief sought herein.

Date: January 24, 2024

/s/ Ian M. Ross

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Pro Hac Vice To Be Filed

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